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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Xavier ROUAU *et al.*

Group: 1651

Serial No.: 09/462,911

Examiner: M. Meller

Filed: January 18, 2000

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MAY 08 2003

For: A COMPOSITION COMPRISING AN ENZYME HAVING
GALACTOSE OXIDASE ACTIVITY AND USE THEREOF

TECH CENTER 1600/2900

RESPONSE TO OFFICE COMMUNICATION OF MARCH 21, 2003
SUPPLEMENTING THE RESPONSE OF FEBRUARY 14, 2003

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office
Washington, DC 20231

Sir:

This is a response to the Office Communication of March 21, 2003. This is also a supplement to a Response to Office Communication of January 17, 2003 and Supplemental Response to Office Action Restriction Requirement of August 27, 2002 (filed on February 14, 2003).

This Response is submitted pursuant to a request from the Examiner relayed to Applicants' undersigned counsel in a telephone interview on March 3, 2003, and reiterated in the March 21st Office Communication.

During that interview and in the March 21st Office Communication, the Examiner requested that Applicants provide him with the definition of a composition defining the elected species (or composition). Pursuant to that requirement, Applicants submit the following composition which defines the elected species:

A composition comprising,

as a first component: a galactose oxidase (ED 1.1.3.9); and

as a second component:

- (i) a galactose oligomer;
- (ii) a galactose oligomer and a galactanase; or
- (iii) a galactanase.

only one they show - lactose
scope them to lactose

This composition is substantially consistent with the definition of the components (species) for each of the groupings 1., 2., and 3., identified in the Response to Office Communication filed on February 14, 2003.

Further, to assist the Examiner with respect to the searchable subject matters, the restriction requirement and the election of species requirement, Applicants identify the following claims from Group III (defined in the Office Action of August 27, 2002) which read on that species: at least claims 32, 33, 34, 41-43.

Applicants understand that this election is only made for the purposes of responding to the election of species requirement and that, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are presented in dependent form or otherwise include all the limitations of an allowed generic claim, as provided by 37 C.F.R. § 1.141. Applicants are identifying the claims which are readable on the aforementioned species in accordance with the procedure outlined in the Manual of Patent Examining Procedure, § 809.02(a).

For all of the reasons set forth in the Response to the Office Action Restriction Requirement of August 27, 2002, filed on November 27, 2002, incorporated herein by reference, Applicants traverse the restriction requirement and the election of species requirement and request that all of the claims be prosecuted in this application. In the